



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

September 29, 2000

Bill Allan
BIA Pacific Region
U.S. Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

Dear Mr. Allan:

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the proposed ***CORTINA INTEGRATED WASTE MANAGEMENT PROJECT, Cortina Indian Rancheria of Wintun Indians, Colusa County, California.*** Our comments are provided under the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508). EPA previously provided written comments on the administrative text version of the Draft EIS on July 27, 1999 and on the publicly-released Draft EIS (DEIS) on March 23, 2000. Our comment letter on the DEIS rated that document as Category EC-2, Environmental Concerns - Insufficient Information, principally related to potential impacts to water quality and waters of the United States from construction and operation, as well as a lack of mitigation to protect water quality and compensate for the degradation/loss of waters of the United States.

We reviewed BIA's Responses to EPA's Comments and find them generally satisfactory. We request, however, that the various commitments and mitigation measures put forth in the FEIS (including those in the Responses to Comments volume) be reflected in BIA's Record of Decision under NEPA and, as appropriate, in other BIA approvals/conditions deriving from the NEPA Record of Decision. Because the proposal is located on tribal land, EPA will have a continuing regulatory and/or permit involvement under several Federal environmental laws, including:

Clean Water Act

Section 402 National Pollutant Discharge Elimination System (NPDES) construction general storm water permit, Section 402 multi-sector "*General Industrial Activities Storm Water Discharge Permit*," Possibly other NPDES permit requirements for discharges to waters of the United States, should discharge point(s) be located on Cortina tribal land, EPA review and approval of Army Corps of Engineers' Section 404 Public Notice for Strode Creek Crossing, and Section 401 water quality certification for permits under CWA Sections 402 and 404.

Clean Air Act

Title V operating permit, and EPA review and approval of asbestos monofill removal plan.

Resource Conservation and Recovery Act

Compliance with Federal solid waste landfill regulations, and at least four site-specific waivers (see main text of FEIS at pp. 1-8 and 1-9) pursuant to “*Site Specific Flexibility Requests for Municipal Solid Waste Landfills in Indian Country.*”

[We suggest that BIA’s Record of Decision briefly discuss if other waivers or exemptions may or would be requested in addition to the four mentioned on pp. 1-8 and 1-9 of the FEIS].

Toxic Substances Control Act

Additional requirements (briefly mentioned in FEIS at p. 1-9 - specific details not given).

[We suggest that BIA’s Record of Decision briefly discuss what TSCA requirements may or would apply to the proposal].

We appreciate the opportunity to comment on the FEIS and commend BIA and the Tribe for involving EPA in the NEPA review process as fully as possible (e.g., asking EPA to provide comments on the administrative text of DEIS) . EPA Region IX welcomes an opportunity to provide technical assistance to BIA and/or the Tribe under the four laws noted above (and any other areas subject to EPA statutory/regulatory authority) as the proposal advances. Please send me one copy of the signed Record of Decision at the above address (code: CMD-2). If you have any questions, please call David Tomsovic of my staff at 415-744-1575.

Sincerely,

/s/

David Farrel, Chief
Federal Activities Office

cc: The Honorable Frank Frease, Chairperson, Cortina Indian Rancheria of Wintun Indians
EPA Region IX Air, Water, Toxic Substances, and Solid Waste Program Offices